

General within the meaning of section 41902 of the Statute may, within not more than four calendar days after the issuance of such order, apply to the Department for a postponement of the effective date of that order pending review: *Provided*, That if the final day of the four day period is a Saturday, Sunday, or holiday for the Department, the application may be filed with the Department no later than the end of the next day which is neither a Saturday, Sunday, or holiday.

(b) An application for postponement of the effective date filed under this part may be made in writing or by telegraph, and shall be conspicuously entitled Application for Postponement of the Effective Date of Order of the Postmaster General Pending Review Under section 41902 of the Statute. Such application for postponement shall specify:

(1) The schedule affected and identity of the order complained of;

(2) The manner in which the applicant is or would be aggrieved by the order;

(3) The relief which will be sought;

(4) That the applicant intends to file a timely application for review of the order under §232.1; and

(5) A summary of the justification and facts relied upon to establish that the stay should be granted.

(c) Any interested person may, within not more than four calendar days after the service of an application for postponement of the effective date, serve and file with the Department an answer in opposition to, or in support of, the application: *Provided*, That if the final day of the four day period is a Saturday, Sunday, or holiday for the Department, the application may be filed with the Department no later than the end of the next day which is neither a Saturday, Sunday, or holiday: *Provided further, however*, That the Department need not consider any answer filed later than eight calendar days after issuance of the Postmaster General's order.

[41 FR 49479, Nov. 9, 1976, as amended by Docket No. 47939, 57 FR 40102, Sept. 2, 1992; 60 FR 43524, Aug. 22, 1995]

### §232.5 Filing and service of applications, answers, and replies.

(a) An application, answer or reply filed hereunder shall be deemed to have been filed on the date on which it is actually received by the Department at its offices in Washington, D.C.

(b) At the time a written or telegraphic application, answer, or reply is filed under this part, a copy thereof shall be served by personal service, registered mail, or telegraph upon the Postmaster General and upon the air carrier operating or ordered to operate the mail service in question. Except in the case of telegraphic delivery each copy so served shall be accompanied by a letter of transmittal stating that such service is being made pursuant to this section. In the case of telegraphic delivery the copy shall be accompanied by a telegraphic statement that service is being made pursuant to this section.

(c) The execution, number of copies, and verification of a written application, answer, or reply filed under this part, and the formal specifications of papers included in such application, answer, or reply shall be in accordance with the requirements of the Rules of Practice relating to applications generally (see part 302 of this chapter).

[41 FR 49479, Nov. 9, 1976, as amended by Docket No. 47939, 57 FR 40102, Sept. 2, 1992]

## PART 234—AIRLINE SERVICE QUALITY PERFORMANCE REPORTS

Sec.

234.1 Purpose.

234.2 Definitions.

234.3 Applicability.

234.4 Reporting of on-time performance.

234.5 Form of reports.

234.6 Baggage-handling statistics.

234.7 Voluntary reporting.

234.8 Calculation of on-time performance codes.

234.9 Reporting of on-time performance codes.

234.10 Voluntary disclosure of on-time performance codes.

234.11 Disclosure to consumers.

234.12 Waivers.

234.13 Reports by air carriers on incidents involving animals during air transport.

AUTHORITY: 49 U.S.C. 329 and chapters 401 and 417.

SOURCE: Amdt. No. 234-1, 52 FR 34071, Sept. 9, 1987, unless otherwise noted.

## § 234.1

NOTE: The reporting requirements contained in this part have been approved by the Office of Management and Budget under control number 2138-0041.

### § 234.1 Purpose.

The purpose of this part is to set forth required data that certain air carriers must submit to the Department and to computer reservations system vendors in computerized form, except as otherwise provided, so that information on air carriers' quality of service can be made available to consumers of air transportation. This part also requires that service quality data be disclosed directly to consumers.

### § 234.2 Definitions.

For the purpose of this part:

*Cancelled flight* means a flight operation that was not operated, but was listed in a carrier's computer reservation system within seven calendar days of the scheduled departure.

*Discontinued flight* means a flight dropped from a carrier's computer reservation system more than seven calendar days before its scheduled departure.

*Diverted flight* means a flight which is operated from the scheduled origin point to a point other than the scheduled destination point in the carrier's published schedule. For example, a carrier has a published schedule for a flight from A to B to C. If the carrier were to actually fly an A to C operation, the A to B segment is a diverted flight, and the B to C segment is a cancelled flight.

*Extra-section flight* means a flight conducted as an integral part of scheduled passenger service, that has not been provided for in published schedules and is required for transportation of traffic that cannot be accommodated on the regularly scheduled flight.

*Flight* means any nonstop scheduled passenger flight segment with a specific flight number scheduled to be operated pursuant to a published schedule within a specific origin-destination city pair, other than transborder or foreign air transportation. In the case of reporting to computer reservations system vendors, *flight* also means one-stop or multi-stop single plane scheduled operations that include any flight

## 14 CFR Ch. II (1-1-06 Edition)

segments for which performance is reported pursuant to this part.

*Late or late flight* means a flight that arrives at the gate 15 minutes or more after its published arrival time.

*Mishandled-baggage report* means a report filed with a carrier by or on behalf of a passenger that claims loss, delay, damage or pilferage of baggage.

*New flight* means a flight added to a carrier's schedule to operate in a specific origin-destination city pair and not scheduled to depart within 30 minutes of any discontinued flight that was contained in the carrier's published schedules for the same city pair during the previous month.

*On-time* means a flight that arrives less than 15 minutes after its published arrival time.

*On-time performance* means the percentage of scheduled operations of a specific flight that an air carrier operates on-time during a month.

*On-time performance code* means a single character determined in accordance with the provisions of this part that reflects the monthly on-time performance of certain nonstop flights and single plane one-stop or multi-stop flights, the schedule and availability of which are listed in a computer reservation system (CRS) regulated by 14 CFR part 255.

*Reportable flight* means any nonstop flight, including a mechanically delayed flight, to or from any airport within the contiguous 48 states that accounts for at least 1 percent of domestic scheduled-passenger enplanements in the previous calendar year, as reported to the Department pursuant to part 241 of this title. Qualifying airports will be specified periodically in accounting and reporting directives issued by the Office of Airline Information.

*Reporting carrier* means an air carrier certificated under 49 U.S.C. 41102 that accounted for at least 1 percent of domestic scheduled-passenger revenues in the 12 months ending March 31 of each year, as reported to the Department pursuant to part 241 of this title. Reporting carriers will be identified periodically in accounting and reporting directives issued by the Office of Airline Information.